

[ORAL ARGUMENT HELD ON NOVEMBER 14, 2019]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEW YORK, *et al.*,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants-Appellants.

No. 19-5125

STATUS REPORT

Appellants respectfully submit this status report pursuant to this Court's order of February 8, 2021. As the Court is aware, the Department previously issued a notice of proposed rulemaking that proposes to rescind the rule that is the subject of this appeal. *See* 88 Fed. Reg. 87,968 (Dec. 20, 2023). The Department has informed us that the Office of Information and Regulatory Affairs has concluded its review of the Department's final rule, which will shortly be published in the Federal Register. We will file a motion to govern further proceedings by May 27, 2024, which is 30 days from the date of this status report.

Respectfully submitted,

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/s/ Michael Shih
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APRIL 2024

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2024, I electronically filed the foregoing document with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Michael Shih
MICHAEL SHIH